IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 2775 OF 2005

Parmanand Krishnarao Mhatre ..Petitioners
vs.
The State of Maharashtra and
Ors. ..Respondents

Mr. Vijay D. Patil for the petitioners.

Ms. Iman Calcuttawala, AGP Respondent no.1 to 3.

Ms. Prachi Rane i/by. Utangale and Co.

for respondent no. 4 and 5.

Y.S. Jahgirdar a/w. H.V. Kode for

for respondent no. 6 to 9.

N.V. Valawalkar a/w. Milind Vasudeo

for Society in W.P. 1176 of 2006..

CORAM: S.U. KAMDAR, J.

DATED: 5TH MAY, 2006.

P.C. :

1. Learned counsel for the respondent no.6 to 9 states that in all there are nine occupiers

who claim memberships of the society in the present writ petition. He has given a chart at Exhibit A to the affidavit in reply. The said chart contains the names of the said nine persons who are claiming membership.

2. In the chart the persons at Item No. 4, 5, 7 and 8 are already enrolled as members by the Respondent nos. 6 to 9 and therefore their case does not survive.

3. In so far as Item No. 2 and 3 are concerned the learned counsel appearing for Respondent nos. 6 to 9 states that on their filing an application within a period of one week from today and on complying with all other legal requirements excluding the execution of the so called undertaking which is at Exhibit D to the petition they will be made members by the society. The said persons will not be required to execute any such undertaking as annexed at Exhibit D and D 1 to the petition. The society will enroll them as member within a period of

six weeks from the date of filing a duly complete application with the society.

4. In so far as Mr. Mhatre at Item No. 1 of the chart is concerned Learned counsel for Respondent nos. 6 to 9 states that his clients will enroll him as a member in relation to structure no. 19 provided he also makes an application within a period of one week from today duly completed in all respects and his application will also be granted within a period of six weeks from the date of his making an application. In so far as Item No. 6 and 9 are concerned learned counsel states that they will be enrolled as members but their membership will be subject to the outcome of pending appeal preferred by MSRTC in this court being Appeal (L) No. 128 of 2004 and Appeal (L) No. 859 of 2005. Learned counsel appearing for the petitioner states that in an event if they lose in the aforesaid pending appeal they will not claim any right of membership pursuant to the present order.

5. In so far as other members are concerned, they are already being enrolled as members of the said society. It is needless to state that once the enrollment is over the project of rehabilitation will be permitted to be pursued in accordance with law and in accordance with the order dated 25.7.2002 passed in W.P. No. 1444 of 1998 and in accordance with the approval of the Slum Authorities being Annexure II dated 4.3.1997. In view of the aforesaid statement made by Respondent nos. 6 to 8 the petitioners makes a written application for withdrawal of the present petition. In light of the said application made by the petitioner, petition allowed to be withdrawn. No order as to costs.

sd/-

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